

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TRUSTEES OF THE MAHONING,  
TRUMBULL AND SHENANGO  
VALLEY CENTRAL  
ADMINISTRATIVE AGENCY,

Plaintiff,

v.

HARKELRODE & SONS MASONRY  
LLC,

Defendant.

) CASE NO. 4:24-CV-884

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JUDGE BENITA Y. PEARSON

**MEMORANDUM OF OPINION AND  
ORDER**

[Resolving [ECF No. 7](#)]

Plaintiff, Trustees of the Mahoning, Trumbull and Shenango Valley Central Administrative Agency brings this action against Defendant Harkelrode & Sons Masonry LLC to “collect fringe benefit contributions, wage and dues deductions, liquidated damages, interests, and other costs, pursuant to 502(a)(3) of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended, [29 U.S.C. § 1132\(a\)\(3\)](#), and Section 301 of the Labor Management Relations Act (“LMRA”), [29 U.S.C. § 185](#).” See [ECF No. 1](#).

Pending is Plaintiffs’ Motion for Default Judgment ([ECF No. 7](#)), filed and served on September 18, 2024, in this action against Defendant. The Court has been advised, having reviewed the file, including, Plaintiff’s supplemental filing, Affidavit and Declarations, and applicable law.

Defendant was duly served with summons and the Complaint ([ECF No. 1](#)) on June 7, 2024, by certified mail ([ECF No. 3](#)). Pursuant to [Fed. R. Civ. P. 4\(e\)\(1\)](#), [Ohio R. Civ. P. 4.6\(D\)](#),

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and [Local Rule 4.2\(c\)](#), Defendant had 28 days from the date process was mailed to respond. Defendant has failed to plead or otherwise defend. On June 28, 2024, the Clerk entered the default of Defendant Harkelrode & Sons Masonry LLC. ([ECF No. 5](#)).

Plaintiff is entitled to unpaid contributions, liquidated damages, attorneys' fees, the costs of this action, and post-judgment interest, all provided for by Section 502(g)(2) of ERISA, [29 U.S.C. § 1132\(g\)\(2\)](#). The Court finds that the requested attorneys' fees and costs in the amount of \$5,002.38 are reasonable.

Judgment will be entered in favor of Plaintiff Trustees of the Mahoning, Trumbull and Shenango Valley Central Administrative Agency and against Defendant Harkelrode & Sons Masonry LLC in the amount of \$35,321.46.

The Clerk is directed to issue a copy of this Order by regular mail to: Harkelrode & Sons Masonry LLC, c/o Registered Agents Inc., 6545 Market Avenue, North Ste. 100, North Canton, Ohio 44721. For good cause shown, Plaintiffs' Motion for Default Judgment is granted.

IT IS SO ORDERED.

October 15, 2024

Date

*/s/ Benita Y. Pearson*

Benita Y. Pearson

United States District Judge